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PATENT
Attorney Docket No. 102.0003-04000
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Gary Karlin Michelson, M.D.

Serial No.: 09/626,636

Filed: July 27, 2000

For: APPARATUS AND METHOD OF
INSERTING SPINAL IMPLANTS

Group Art Unit: 3731

Examiner: U. Ho

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

AMENDMENT

In reply to the Office Action dated November 28, 2001, please amend the
application as follows:

IN THE CLAIMS:

Please cancel claims 107-130, 132-135, 137-168, 170, and 171 without
prejudice or disclaimer of their subject matter and add the following new claims:

--172. An apparatus for use in performing human spinal surgery for fusing
vertebral bodies adjacent a disc space comprising:
a guard having a passage for providing guided access to the disc space and the
adjacent vertebral bodies, said guard having a proximal end and an opposite distal end,
said guard having spine engaging portions at said distal end of said guard for holding
said guard to the spine, said spine engaging portions being substantially in line with

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